

REMARKS

1. Introduction

In the final Office Action mailed October 3, 2005, the Examiner rejected claims 1-3, 8-12, 16-17, and 20-26 under 35 U.S.C. § 103(a) as being unpatentable over LeBlanc, U.S. Patent No. 5,596,625 (“LeBlanc”) in view of Ertz et al., U.S. Patent No. 5,323,444 (“Ertz”). The Examiner rejected claims 4-7, 13-15, and 18-19 under 35 U.S.C. § 103(a) as being unpatentable over LeBlanc in view of Ertz, and further in view of Boltz, U.S. Patent No. 6,233,445 (“Boltz”). The Examiner also rejected claims 1, 5-8, 12-14, 16-18, and 25-26 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

In this Response, Applicant has amended claims 1, 5-8, 12-18, and 20, canceled claims 22, 25, and 26, and added new claims 27-29.

For the reasons set forth the below, Applicant requests reconsideration and allowance of the claims, as amended herein.

2. Response to Rejections Under § 112

The Examiner has rejected claims 1, 5-8, 12-14, 16-18, and 25-26 under the first paragraph of 35 U.S.C. § 112 for failing to satisfy the written description requirement. Specifically, the Examiner has stated that the written description does not support a “first” call in these claims but, rather, a “subsequent” call. In response, Applicant has amended claims 1, 5-8, and 12-18 to recite a “subsequent” call instead of a “first” call, and Applicant has canceled claims 25 and 26. Accordingly, Applicant submits that the claims, as amended, comply with the requirements of 35 U.S.C. § 112.

3. Response to Rejections Under § 103

a. **Claims 1-7**

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 103 as being unpatentable over LeBlanc in view of Ertz. In particular, the Examiner has acknowledged that LeBlanc does not teach the claimed threshold number determination. Instead, the Examiner has relied on Ertz for this element.

In response, Applicant has amended claim 1 to recite “maintaining records of calls to a destination, wherein each of the records includes a respective caller location” and to make clear that the threshold number determination is made by “referring to the records.” Support for the amendment may be found in various places, e.g., lines 9-16 on page 10, lines 1-2 on page 16, and lines 16-20 on page 18 of Applicant’s specification. Applicant submits that with this amendment, claim 1 is clearly patentable over the LeBlanc/Ertz combination, as set forth below.

The Examiner has equated the “threshold number” recited in claim 1 with the PSAP’s “call capacity limit” described in Ertz. Ertz teaches using a “last chance routing” procedure when a PSAP is at call capacity (col. 4, lines 47-54). However, the determination of whether the PSAP is at call capacity in Ertz is not made by referring to *records* of calls that include *respective caller locations*, as in amended claim 1. Instead, the determination is made by comparing the number of calls currently being handled by the PSAP to the PSAP’s call capacity limit (col. 4, lines 25-29; col. 105, lines 8-30; Figure 63). The number of calls currently being handled by the PSAP is based on (i) a “queued_calls” value, which represents the number of calls currently in the queue, and (ii) a “psap_calls” value, which represents the number of calls currently connected or on hold at the PSAP (col. 104, line 57 – col. 105, line 7; Figure 63). These values

representing numbers of calls do not amount to records of calls that include respective caller locations.

Accordingly, Applicant submits that claim 1, as amended, is allowable over LeBlanc and Ertz for at least the foregoing reasons. Applicant further submits that claims 2-7 are allowable for at least the reason that they depend from an allowable claim.

b. Claims 8-15

Of these claims, claim 8 is independent. The Examiner has rejected claim 8 under § 103 as being unpatentable over LeBlanc in view of Ertz. In particular, the Examiner has acknowledged that LeBlanc does not teach the claimed threshold number determination. Instead, the Examiner has relied on Ertz for this element.

In response, Applicant has amended claim 8 to recite “a record of originating locations of calls connected to a primary destination” and to make clear that the call-density logic is executable “to refer to the record” to make the threshold number determination. Support for the amendment may be found in various places, e.g., lines 9-16 on page 10 of Applicant’s specification. Applicant submits that with this amendment, claim 8 is clearly patentable over the LeBlanc/Ertz combination, as set forth below.

The Examiner has equated the “threshold number” recited in claim 8 with the PSAP’s “call capacity limit” described in Ertz. As noted above for claim 1, Ertz teaches comparing the number of calls currently being handled by the PSAP to the PSAP’s call capacity limit. The number of calls currently being handled by the PSAP is based on values representing the number of calls currently in the queue and the number of calls currently connected or on hold at the

PSAP. These values representing numbers of calls do not constitute a record of *originating locations* of calls connected to a primary destination, as in amended claim 8.

Accordingly, Applicant submits that claim 8, as amended, is allowable over LeBlanc and Ertz for at least the foregoing reasons. Applicant further submits that claims 9-15 are allowable for at least the reason that they depend from an allowable claim.

c. Claims 16-21, 23, 24, and 27

Of these claims, claim 16 is independent. The Examiner has rejected claim 16 under § 103 as being unpatentable over LeBlanc in view of Ertz. In particular, the Examiner has acknowledged that LeBlanc does not teach the claimed threshold number determination. Instead, the Examiner has relied on Ertz for this element.

In response, Applicant has amended claim 16 to recite “maintaining records of emergency service calls, wherein each of the records includes a respective caller location” and to clarify that the threshold number determination is made by “referring to the records.” Support for the amendment may be found in various places, e.g., lines 9-16 on page 10, lines 1-2 on page 16, and lines 16-20 on page 18 of Applicant’s specification. Applicant submits that with this amendment, claim 16 is clearly patentable over the LeBlanc/Ertz combination, as set forth below.

The Examiner has equated the “threshold number” recited in claim 16 with the PSAP’s “call capacity limit” described in Ertz. As noted above for claim 1, Ertz teaches comparing the number of calls currently being handled by the PSAP to the PSAP’s call capacity limit. The number of calls currently being handled by the PSAP is based on values representing the number of calls currently in the queue and the number of calls currently connected or on hold at the

PSAP. These values representing numbers of calls are not records that include respective caller locations, as in amended claim 16.

Accordingly, Applicant submits that claim 16, as amended, is allowable over LeBlanc and Ertz for at least the foregoing reasons. Applicant further submits that claims 17-21, 23, 24, and 27 are allowable for at least the reason that they depend from an allowable claim.

d. Claims 28 and 29

Applicant has added new claims 28 and 29. New claim 28 is similar to claim 8 but additionally recites “times of calls” and “a predetermined time period.” Thus, Applicant submits that claim 28 is allowable for at least the same reasons as claim 8. New claim 29 is similar to claim 16 but additionally recites that each of the records includes “a respective call time” and additionally recites “a predetermined time period.” Thus, Applicant submits that claim 29 is allowable for at least the same reasons as claim 16.

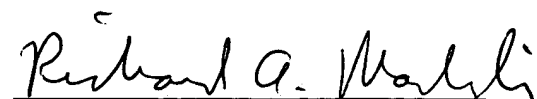
4. Conclusion

Applicant submits that the present application is now in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, he is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

Dated: December 5, 2005

By:



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